



# IDAHO WATER RESOURCE BOARD

## MINUTES OF TELEPHONIC MEETING

MEETING NO. 02-05

Tuesday, February 8, 2005 8:30 a.m., MDT

Idaho Water Center, 322 E Front Street, Boise, ID  
6<sup>th</sup> Floor Conference Rooms - TELECONFERENCE

**Dirk Kempthorne**  
Governor

**Jerry R. Rigby**  
Chairman  
Rexburg  
At Large

**Terry T. Uhling**  
Vice Chairman  
Boise  
District 2

**Dick Wyatt**  
Secretary  
Lewiston  
District 1

**Leonard Beck**  
Burley  
District 3

**Bob Graham**  
Bonners Ferry  
At Large

**L. Claude Storer**  
Idaho Falls  
District 4

**Gary M. Chamberlain**  
Challis  
At Large

**Lawrence 'Vic' Armacost**  
New Meadows  
At Large

Meeting No. 02-05 of the Idaho Water Resource Board was called to order via teleconference call by Chairman Rigby  
At the Idaho Water Center in Boise Idaho  
(One Recording Tape)

### Agenda Item No. 1, Roll Call

#### *Board Members Attending*

Jerry Rigby, Chairman  
Joe Jordan  
Leonard Beck

Claude Storer  
Terry Uhling – Vice Chairman  
Bob Graham

#### *Board Members Absent*

Gary Chamberlain

Dick Wyatt, Secretary

#### *Department of Water Resources Staff Present*

Hal Anderson, Administrator  
Crystal Calais, Admin. Asst. II  
Phil Rassier, Dep. Attorney General

Bill Graham, Bureau Chief  
Brian Patton, Staff Engineer  
Michael Keckler, PIO

### Agenda Item No. 2, Public Comment

There was no public comment made.

### Agenda Item No. 3, Nez Perce Agreement, Instream Flows

Mr. Anderson reviewed the purpose of the meeting to discuss the Resolution for the Minimum Streamflow Water Rights provided for in the Snake River Water Rights Agreement – AKA The Nez Perce Agreement. The Board wished to gain feedback and give information or insight to the public regarding the resolution being considered in setting the Minimum Streamflows for these areas.

Continued.

Hal Anderson, Joe Jordan, Bob Graham, Dick Wyatt and Mary McGown went to Lewiston and Riggins the week prior and Mr. Bill Graham and Gary Chamberlain met in Salmon and Challis for the purpose of providing information to the public and gathering feedback regarding the Minimum Streamflows being considered.

***Agenda Item No. 3a, Summary of Meetings***

Mr. Jordan attended the public meeting in Riggins. By comparison, the meeting held in December had more turnouts, but there weren't any big changes to the overall opinion. We didn't hear any serious opposition, although there were some individuals who did not like the agreement in general. Mr. Jordan felt that if people were more aware of the Minimum Stream Flow program it might be better received.

Mr. Bob Graham covered the meetings in Lewiston. Reported that several members representing the Congressional delegation like Senator Crapo, Senator Craig, as well as representatives from Representative Otter's office attended

Bob Graham attended both Riggins & Lewiston he observation was that no one was really interested in Minimum Streamflows. Most people did not understand a lot of the terminology used. He would generalize that there were three types of people attending. First, those who were anti-government in general, Second were those who were suspicious of the Tribe's motives and supposed larger agenda and a third group were water right holders who were aware and genuinely concerned about what these Minimum Streamflows mean and how they effect their own water rights.

Mr. Jordan related that the Riggins meeting reflected the same thing. There was concern about control by the Tribe and they tried to remind the group about State Sovereignty being the key to our operations.

Mr. Anderson related Lewiston Orchard Irrigation District (LOID) meeting coverage. Mr. Anderson was very impressed by the cooperativeness of LOID. Several public reps attended both meetings. Explained goals for setting Minimum Streamflows. LOID was very concerned about flows set on Sweetwater Creek.

LOID passed a motion to approve the Minimum Streamflows proposed by the Board.

Mr. Bill Graham went over the meeting in Challis. He attended with Gary Chamberlain and Thomas Grant. Only 4 people attended despite calls being made and notification given to as many people as possible. The 4, who did come, were supportive. Talked about moving streams from the B list to the A list. They also talked about the hydrology on Valley Creek.

***Agenda Item No. 3b, Approval of Instream Flows***

Mr. Anderson summarized the status of the current Resolution for the Minimum Streamflow Water Rights provided for the Snake River Water Rights Agreements and the suggested changes made by Mr. Rassier to make it consistent with Legislation that will be introduced, hopefully, later this week.

Mr. Rassier went over the Resolution and highlighted the changes made.

Added the wording "To be held by the Board in trust for the people of Idaho."

It was generally agreed that the language used is consistent with the Term Sheet and current proposed legislation.

Mr. Uhling suggested changes to the whereas to delete “Appendix one of the Term Sheet described an implementation plan to assign” and would replace with “Whereas the Minimum Streamflows reserve opportunity for future use in the Salmon and Clearwater Basin.”

Because the Resolution is not designed to establish Minimum Streamflows for the IWRB under our process and the only thing we’re approving are the A & B lists, where a MSF is established by the Board.

Mr. Anderson clarified that the Legislation is not yet in place.

Mr. Uhling stated that the language should be used to describe the attributes of the MSF that being expressed in this Resolution – Including the opportunity for future water development in the Salmon & Clearwater Basins.

Mr. Rassier agreed that there is no inconsistency with the Term Sheet. He continued with review of the Resolution and other suggested changes.

Additional editorial changes were suggested and agreed to.

Mr. Rassier concluded the review. No other changes were made.

**Motion:** Mr. Graham moved that the Board accept the Resolution as modified by the Board and the attachments for the Establishment of Minimum Stream Flow Water Rights provided for in the Snake River Water Rights Agreement of 2004. Mr. Storer seconded the motion

**Roll Call Vote:** Beck, Absent (record reflects that Mr. Beck was in attendance, but had to leave before all the modifications could be heard.); Chamberlain, Absent; Graham, Aye; Jordan, Aye; Storer, Aye; Uhling, Aye; Wyatt, Absent; Rigby, Aye – 5 Ayes, 0 Nays, 3 Absent. *Motion passed*

Five-Minute Break –

There was some general discussion of the adopted flows on Sweetwater Creek.

### ***Agenda Item No. 3c, Authorizing Legislation***

Mr. Anderson opened the discussion to review current Legislative status regarding the Nez Perce Agreement and Minimum Streamflow Resolution adoption. Reviewed some of the references to the Nez Perce Term Sheet regarding the fees, the Water Supply Bank waiver, and the provisions for changing rights consistent with language in Resolution.

Briefly reviewed some other Legislation that was being developed to implement the Agreement.

### **Agenda Item No. 4, Other Items**

No other items.

### **Agenda Item No. 5, Next Meeting**

The next scheduled meeting is March 3<sup>rd</sup> & 4<sup>th</sup>, 2005

Mr. Chamberlain made a Motion to adjourn. Mr. Storer seconded.

Meeting adjourned at 11:45 a.m.

Dated this 8th day of February 2005.

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D. Richard Wyatt, Secretary

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Crystal Calais, Administrative Assistant II

**Board Actions**

1. Mr. Graham made the motion to accept the Resolution and the attachments for the Establishment of Minimum Stream Flows Water Rights provided for in the Snake River Water Rights Agreement of 2004 as modified today. Mr. Storer seconded. ***Motion passed.***